



**PHEASANT CREEK HOMEOWNERS ASSOCIATION, INC.**  
**FIRST AMENDMENT TO THE RESTATED BY-LAWS**

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THE STATE OF TEXAS  
  
COUNTY OF FORT BEND

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On June 4, 2019, a majority of the Board of Directors of Pheasant Creek Homeowners Association, Inc. (the "Association"), a Texas Non-Profit Corporation pursuant to Chapter 22 of the Texas Business Organizations Code, voted to adopt this Resolution memorializing the prior adoption of the Restated By-Laws of the Association and the following First Amendment to the Restated By-Laws of the Association:

WHEREAS, on or about November 6, 1990, the Association caused to be executed and adopted that certain document titled Restated By-Laws of Pheasant Creek Homeowners Association, Inc; and

WHEREAS, in 2011, Section 202.006 of the Texas Property Code was revised to require that all dedicatory instruments of a property owners' association be filed in the real property records of each county in which the subdivision is located; and

WHEREAS, Section 209.00593(a) of the Texas Property Code ("Code") provides that any board member whose term has expired must be elected by owners who are members of the property owners' association; a board member may be appointed by the board to fill a vacancy on the board; a board member appointed to fill a vacant position shall serve for the remainder of the unexpired term of the position; and

WHEREAS, the Association has from time-to-time had difficulty establishing a quorum at annual meetings, thereby potentially preventing the Association from having a proper election of Directors; and

WHEREAS, Section 209.00593(b) of the Code provides that a board of a property owners' association may amend the bylaws of the property owners' association to provide for elections to be held as required by Subsection 209.00593(a) of the Code; and

WHEREAS, it is the desire of the Board of Directors to amend the By-Laws, as authorized by Section 209.0593(b) of the Code, to ensure that elections occur during an annual meeting of the members; and

WHEREAS, to comply with the Texas Property Code, a true and correct copy of the "Restated By-Laws of Pheasant Creek Homeowners Association, Inc.", which is attached hereto as Exhibit "A", has been recorded for the sole purposed of memorializing the Restated By-Laws adopted in 1990, along with the following being a true and correct copy of the First Amendment to the Bylaws.

**NOW THEREFORE, BE IT RESOLVED THAT**, in consideration of the above factors and others, Pheasant Creek Homeowners Association, Inc., acting through the Board of Directors, hereby records the Restated By-Laws of Pheasant Creek Homeowners Association, Inc. attached hereto as Exhibit "A" and adopts the following First Amendment to the Restated By-Laws:

Article III. Meetings of Members. Section 4. Quorum, is hereby amended to read as follows:

Article III. Meetings of Members.

Section 4. Quorum. The Members present in person or by proxy at a meeting of the Members wherein Directors will be elected shall constitute a quorum for the purpose of conducting elections. For all other meetings of the Members, the presence in person or by proxy of the Members entitled to cast at least ten percent (10%) of the votes as provided herein shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declarations, or these By-Laws. If, however, such quorum shall not be present or represented at any meeting, the Members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or represented.

IN WITNESS WHEREOF, the undersigned, being the President of the Association, hereby executed this document acknowledging that the forgoing First Amendment to the By-Laws was approved by a majority of a quorum of the Board of Directors present in person at a regular meeting of the Board of Directors held on June 4, 2019. The forgoing amendment, in addition to the Restated Bylaws and any amendments thereto, do now constitute the Bylaws of the Association.

The undersigned has been duly authorized to execute and deliver this instrument.

Executed on this the 4 day of June, 2019.

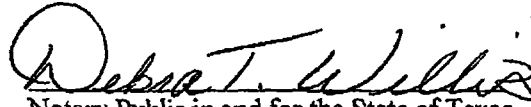
PHEASANT CREEK HOMEOWNERS  
ASSOCIATION, INC.

  
Jackie Martinez, President


THE STATE OF TEXAS  
COUNTY OF FORT BEND

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ACKNOWLEDGMENT

BEFORE ME, the undersigned notary public, on this the 4 day of June, 2019, personally appeared Jackie Martinez, President of Pheasant Creek Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.

  
Notary Public in and for the State of Texas

RECORDED BY:

 SEARS  
BENNETT  
& GERDES, LLP  
6548 GREATWOOD PKWY.  
SUGAR LAND, TX 77479

